Hannas v. *Hannas,* 110 Ill. 53. Those facts which are enumerated in the conjunctive in the statute, must all be shown in the affidavit, *Cook* v. *Farmer,* 11 Abb. Pr. (N. Y.) 40, affirmed in 34 Barb. 95. If the statute requires the "residence" of the defendant to be stated if known, it is sufficient to give the name of the city where he resides, the street and number therein need not be added, *Burke* v. *Donnovan,* 60 Ill. App. 241.

MASTER AND SERVANT—LIABILITY FOR INJURIES TO INFANT UNLAWFULLY EMPLOYED.—The plaintiff, an infant under sixteen years of age, was employed by the defendant company, and sues for injuries received while cleaning machinery. The defendant set up contributory negligence as a defense. *Held,* § 1723 of MO. REV. STAT. 1909, forbidding the employment of persons under sixteen years of age in cleaning machinery, makes such employment negligence *per se,* and prevents a holding as a matter of law that the child was negligent; but does not prevent the employer from proving as a defense that the child was guilty of contributory negligence as a matter of fact. *Riegel* v. *Loose-Wiles Biscuit Co.* (Mo. App. 1913) 155 S. W. 59.

The holdings in cases where the defendant has employed a child under the age forbidden by statute and then has attempted to set up contributory negligence of the child to prevent recovery for injury received in that employment are by no means harmonious. The cases on the one side hold that the law does not change the rule of contributory negligence and that an infant employed contrary to the statutes may be guilty of contributory negligence as a matter of law. *Beghold* v. *Auto Body Co.,* 149 Mich. 14, 112 N. W. 691; *Borck* v. *Michigan Bolt & Nut Works,* 111 Mich. 129, 69 N. W. 254; *Belles* v. *Jackson,* 4 Pa. Dist. R. 194; *Woods* v. *Kalamazoo Paper Box Co.,* 167 Mich. 514, 133 N. W. 482. The majority of the cases hold with the principal case that the child is not guilty of contributory negligence as a matter of law but may be guilty as a matter of fact. *Darsam* v. *Kohlmann,* 123 La. 164, 48 So. 781; *Norman* v. *Virginia Pocahontas Coal Co.,* 68 W. Va. 405, 69 S. E. 857; *Blakenship* v. *Ethel Coal Co.,* 69 W. Va. 74, 70 S. E. 863; *Sterling* v. *Union Carbide Co.,* 142 Mich. 284, 105 N. W. 755; *Woolf* v. *Nauman Co.,* 128 Ia. 261, 103 N. W. 785; *Smith* v. *National Coal & I. Co.,* 135 Ky. 671, 117 S. W. 280; *Marino* v. *Lehmaier,* 173 N. Y. 530, 66 N. E. 572; *Perry* v. *Tozer,* 90 Minn. 431, 97 N. W. 137; *Rolin* v. *Tobacco Co.,* 141 N. C. 300, 53 S. E. 891; *Queen* v. *Dayton Coal & Iron Co.,* 95 Tenn. 458, 32 S. W. 460. A considerable number of recent decisions, however, hold that contributory negligence is no defense where the child has been illegally employed. *Fortier* v. *The Fair,* 153 Ill. App. 200; *Maddin* v. *Wilcox,* 174 Ind. 657, 91 N. E. 933; *Stehle* v. *Jaeger Automatic Mach. Co.* 225 Pa. St. 348, 74 Atl. 215; *Glucina* v. *F. H. Goss Brick Co.,* 63 Wash. 401, 115 Pac. 843. The decisions in this latter class of cases are based upon the ground that the statutes forbidding the employment of infants are enacted to protect the infant and to prevent child labor, and as these objects can best be obtained by taking away the defenses of the employer and by making him employ infants at his own risk, the decisions seem to be more nearly in accord with the reason and spirit of modern legislation on this subject.